

State of Hawaii

LIENS AND RECOVERIES

- (1) Recovery may be waived due to hardship for the period the following conditions exist:
 - (A) The estate subject to recovery is the sole income producing asset of the survivors and meet the following conditions:
 - (1) The estate is a family farm or other family business;
 - (2) The income produced by the asset is not greater than one hundred percent of the Federal Poverty Level (FPL) for the number of survivors solely dependent on such asset.
 - (B) The estate is a homestead of modest value that is occupied by survivors who meet the following conditions:
 - (1) Lawfully resided in the home for a continuous period that started at least three (3) months immediately before the recipient's admission to a medical institution and provided care to the recipient during that period that allowed the recipient to reside at home rather than in an institution and has continuously lived in the home since the admission;
 - (2) Do not own any real property other than an interest in the home; and
 - (3) Have income not greater than one hundred percent of the FPL.
- (2) Before a lien is filed, a notice shall be given to allow 30 days for a fair hearing.

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